

MICHELE BECKWITH
Acting United States Attorney
JAMES R. CONOLLY
Assistant United States Attorney
501 I Street, Suite 10-100
Sacramento, CA 95814
Telephone: (916) 554-2700
Facsimile: (916) 554-2900

Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO GONZALEZ,

Defendant.

CASE NO. 2:20-CR-00013 WBS

STIPULATION AND ORDER TO CONTINUE
JUDGMENT AND SENTENCING HEARING AND
MODIFY PRESENTENCE SCHEDULE

DATE: June 2, 2025
TIME: 10:00 a.m.
COURT: Hon. William B. Shubb

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for judgment and sentencing on June 2, 2025. Additionally, defendant filed a motion to dismiss pursuant to *United States v. Duarte*, 101 F.4th 657 (9th Cir. 2024), noting the motion for hearing on June 24, 2024 (the same date and time that was previously set for judgment and sentencing). ECF No. 145. The United States moved initially to hold the motion to dismiss in abeyance for a period of 60 days or until the Ninth Circuit reaches a decision on the government's petition for rehearing en banc in *Duarte*, whichever is sooner. ECF No. 147. Defense counsel later moved to hold the motion in abeyance pending the outcome of the en banc proceedings, to June 2, 2025, to which the government agreed, with the request that sentencing go forward on that day regardless of whether the Ninth Circuit had rendered its decision. Since that time, the Ninth Circuit delivered its en banc opinion in *Duarte*, affirming the constitutionality of 18 U.S.C. § 922(g)(1), as

1 applied to individuals previously convicted of a non-violent felony.

2 2. In the interim, primary counsel for the government, AUSA Emily Sauvageau has left the
3 U.S. Attorney's Office and AUSA James Conolly has now assume the primary role. Counsel for the
4 government requires a short time to finalize the sentencing briefing to the Court and defense counsel
5 does not object to a continuance to accomplish that.

6 3. Thus, by this stipulation, the parties now move to continue the motion hearing and
7 judgment and sentencing date until June 30, 2025. The parties have conferred with the courtroom
8 deputy and understand that this date is available to the Court for a hearing.

9 4. It is therefore requested that the motion hearing and judgment and sentencing date
10 currently scheduled for June 2, 2025, be continued to **June 30, 2025, at 10:00 a.m.**, before this Court.

11 IT IS SO STIPULATED.

12 Dated: May 28, 2025

MICHELE BECKWITH
Acting United States Attorney

13
14
15 /s/ JAMES R. CONOLLY
JAMES R. CONOLLY
Assistant United States Attorney


16
17
18 Dated: May 28, 2025

/s/ TAMARA SOLOMAN
TAMARA SOLOMAN
Counsel for Defendant
MARIO GONZALEZ

19
20
21 **ORDER**

22 IT IS SO FOUND AND ORDERED.

23
24 Dated: May 29, 2025

25 
26 WILLIAM B. SHUBB
27 UNITED STATES DISTRICT JUDGE
28